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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/637,185

08/08/2003

Bryan M. Kelly

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7590

08/24/2005

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EXAMINER

CHIU, RALEIGH W

ART UNIT

PAPER NUMBER

3711

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/637,185

Applicant(s)

KELLY ET AL.

Examiner

Raleigh Chiu

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-46 is/are pending in the application.
- 4a) Of the above claim(s) 42 and 46 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 34-41, 44 and 45 is/are allowed.
- 6) ☒ Claim(s) 25-32 and 43 is/are rejected.
- 7) ☒ Claim(s) 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/7, 6/10, 6/23/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The submission of references 51-90 and 94-103 in the information disclosure statement filed 07 February 2005 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

2. Regarding the IDS received 23 June 2005, the submitted copies regarding citation numbers 6-8 ("coin Slot International" and photographs of a "Fortune Wheel" game are of such poor quality that no information can be gained from their viewing. Applicant is requested to resubmit a legible copy of those documents for proper consideration.

Election/Restrictions

3. Newly submitted method claims 42 and 46 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the method claims

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can be practiced without a motor. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 42 and 46 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 25-32 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over the "Wheel of Fortune" game.

Regarding claims 25-28, 32 and 43, Wheel of Fortune is a game that includes a rotary body (spinning wheel) that spins about a vertical axis and has various indicia (dollar amounts and other prizes) associated with a plurality of segments (sectors) located on the wheel's top surface. Moreover, the game includes a pointer associated with the wheel to indicate the potential dollar amount or prize for a particular spin. Before the start of a player's next spin, the wheel is in a stationary mode and the pointer is pointed at the segment of the previous spin. The rules of the game predetermine that the pointer point at this segment before the player spins again; the

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spinning of the wheel results in a randomly chosen segment. The game show host, players and viewing audience are all inherently capable of detecting the position of the segments relative to the pointer as it spins. Although the Wheel of Fortune wheel is physically spun by a player during the game, it would have been obvious to substitute a motorized wheel since it has been generally been recognized that the use of conventional motors to automate a previously manual operation involves only routine skill in the art.

Regarding claims 29-31, it would have been obvious to one of ordinary skill in the art to use a stepper or servo motor, since applicant has not disclosed that having these specific motors solve any stated problem or is for any particular purpose and it appears that the wheel could be driven by any conventional motor.

Terminal Disclaimer

6. The terminal disclaimer filed on 10 June 2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent Number 5,700,007 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Response to Arguments

7. Applicant's arguments with respect to claim 25 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

8. Claim 33 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 34-41, 44 and 45 are allowed.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action

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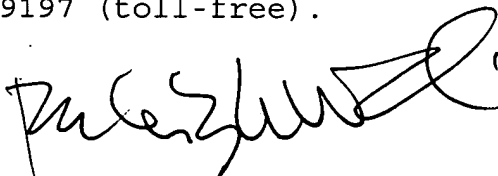
is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raleigh Chiu whose telephone number is (571) 272-4408. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich, can be reached on (571) 272-4415.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Raleigh W. Chiu
Primary Examiner
Technology Center 3700

RWC:dei:feif
18 August 2005